

Chapter 92

SEWERS

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[HISTORY: Adopted by the Borough Council of the Borough of Heidelberg as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 39.

Excavations in streets — See Ch. 95, Art. II.

ARTICLE I**Privy Vaults and Cesspools**

[Adopted 7-15-1980 as Ch. 92, Art. I, of the 1980 Code]

§ 92-1. Erection prohibited where sewers available.

It shall be unlawful for any person, firm or corporation to erect, maintain or build or cause to be erected, maintained or built any privy vault or cesspool for sewage in any part of the Borough of Heidelberg or any property fronting or abutting on a street on which there is a sanitary sewer, where said sewer is within 200 feet of the location of said proposed privy vault or cesspool.

§ 92-2. Use prohibited where sewers available.

It shall be unlawful for any person, firm or corporation to continue the use of any privy vault or cesspool on any lot, piece or parcel of ground abutting on any street in which there is a sanitary sewer, where said sewer is within 200 feet of said privy vault or cesspool. Any person, firm or corporation maintaining such privy vault or cesspool in said borough within 200 feet of any such sanitary sewer aforesaid shall, within 60 days after the enactment of this article, discontinue the use of said privy vault or cesspool and have the same cleaned out and filled up level with the surface of the surrounding ground.

§ 92-3. Prohibited connections.

It shall be unlawful for any person, firm or corporation to connect any privy vault or cesspool with any sanitary sewer in the Borough of Heidelberg, nor shall any water closet or house drain empty into such privy vault or cesspool.

§ 92-4. Violations and penalties. [Amended 11-21-2000 by Ord. No. 539]

Any person who violates any provision of this article shall, upon conviction thereof, be punishable by a fine of not more than \$600 and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed 30 days.

ARTICLE II

Regulation of Waste Materials into Sewers

[Adopted 10-16-1984 by Ord. No. 373, approved 10-16-1984; amended in its entirety 12-20-1994 by Ord. No. 510, approved 12-20-1994]

§ 92-5. Definitions.

For the purposes of this article, the following terms shall have the meanings hereafter designated:

ALCOSAN — Allegheny County Sanitary Authority, including its treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

CORROSIVE WASTE — A waste or substance which has any of the following properties:

- A. It is aqueous and has a pH of less than or equal to five or greater than or equal to 10, as determined by a pH meter.
- B. It is a liquid and corrodes steel (SAE1020) at a rate greater than 6.35 millimeters (0.250 inches) per year at a test temperature of 55° C. (130° F.).

HAZARDOUS WASTE — All wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 PA Code 261.¹

INJECTABLE WASTE — A waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN treatment facility which has any of, but is not limited to, the following properties:

- A. It is liquid with a flash point less than 60° C. (140° F.) using the test methods specified in 40 CFR 261.21.
- B. It is an oxidizer as defined in 49 CFR 173.151.

INTERFERENCE — A discharge originating in the borough which, alone or in conjunction with a discharge or discharges from other sources, both:

- A. Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal; and
- B. Therefore is a cause of a violation of any requirement of ALCOSAN's national pollutant discharge elimination system (hereinafter referred to as "NPDES") permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the "Resource Conservation and

1. Editor's Note: See 35 P.S. § 6018.101 et seq.

Recovery Act," and including state regulations contained in and State Sludge Management Plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act), the Clean Air Act and the Toxic Substances Control Act.

PASS-THROUGH — Any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with other discharges from other sources, is a cause of a violation of any requirement of the ALCOSAN's, NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or its legal representatives, agent or assigns.

PH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or other industrial, municipal or agricultural waste discharged into water.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.

REACTIVE/EXPLOSIVE WASTE — A waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility which has any of, but is not limited to, the following properties:

- A. It is normally unstable and readily undergoes violent change without detonating.
- B. It reacts violently with water.
- C. It forms potentially explosive mixtures with water.
- D. When mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- E. It is a cyanide- or sulfide-bearing waste which can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- F. It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
- G. It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.
- H. It is a forbidden explosive as defined in 40 CFR 173.51 or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA, pursuant to Section 307(A) of the Act.

WASTEWATER — The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities of ALCOSAN.

WATERS OF THE COMMONWEALTH — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the Commonwealth of Pennsylvania or any portion thereof.

§ 92-6. Introduction of toxic substances, pollutants or wastewater prohibited.

- A. No person shall introduce or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the borough and transmitting substances into the facilities of ALCOSAN, any toxic pollutant or other wastewater which will:
- (1) Cause interferences with the operation or performance of ALCOSAN's treatment plant or other facilities; or
 - (2) Pass through ALCOSAN's treatment plant or other facilities.
- B. No person shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the borough and transmitting substances into the facilities of ALCOSAN, any of the following:
- (1) Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.
 - (2) Any injectable, reactive, explosive, corrosive or hazardous waste, except as provided for by ALCOSAN's rules and regulations.
 - (3) Any wastewater with a temperature greater than 140° F. (60° C.).
 - (4) Any waste which exceeds the naturally occurring background levels for either alpha, beta or gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half-life or concentration not in compliance with applicable state or federal regulations.
 - (5) Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN's facility or facilities discharging into the ALCOSAN system.

- (6) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, may create a public nuisance or adversely affect public health or safety.
- (7) Pathological wastes from a hospital or other medical establishment.
- (8) Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer type approved by ALCOSAN and maintained in good operating condition.
- (9) Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants, unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.
- (10) Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities.
- (11) Any substance which will cause ALCOSAN's effluent or any other product of the ALCOSAN facilities, such as residues, sludges or scums, to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN facility to be in noncompliance with sludge use or disposable criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state laws or regulations applicable to the treatment or disposal of such effluent or such product.

§ 92-7. Violation of acts or regulations prohibited; incorporation of regulations by reference.

- A. No person shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN or of the laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania, the County of Allegheny, the Ohio River Valley Water Sanitation Commission or the borough pertaining to sewage discharge, introduction or treatment.
- B. The pretreatment regulations of the Allegheny County Sanitary Authority are incorporated into this article by reference as though fully set forth herein.

§ 92-8. Plumbing requirements and grease traps in restaurants. [Added 6-20-1995 by Ord. No. 512, approved 6-20-1995]

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

FOOD PREPARATION FACILITY — Any food establishment in any building, room or place or any portion thereof or appurtenance thereto where human food or drink is mixed, cooked or otherwise prepared, offered for sale, sold, served or given with or

without charge to patrons, customers or guests for consumption on the premises; provided, however, that this does not include the mixing, cooking or other preparation and serving of food in single-family dwellings to the resident family or its guests.

RESTAURANT — Any public eating place where regular meals are prepared, offered for sale, sold and served to patrons, customers or guests for compensation based on the price charged for and generally paid at the conclusion of each meal. The words "regular meals," as used herein, mean meals generally consisting of courses embracing some kind of meat or its equivalent, vegetables, bread, pastry, beverage and accompaniments, served at more or less regular intervals.

- B. Plumbing to be in good repair. Every building or room occupied or used as a public eating place or restaurant shall be well drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable a passage of any waste intended to pass through it to the main public sewer. All drains, sewers, waste and soil pipes, traps and water and gas pipes shall at all times be kept in good repair and order so that no gases or odor shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair and free from obstruction.
- C. Installation of grease traps.
- (1) Every building or room occupied or used as a public eating place or restaurant shall install or cause to be installed a grease trap. Said grease trap shall be installed at an appropriate location along the sewer line between the restaurant and/or food preparation facility and the line's entry into the main public sewer line in accordance with Article 15 of the Allegheny County Plumbing Code.
 - (2) It shall be the duty of any owner, lessee or agent of any restaurant and/or food preparation facility to annually inspect the sewer line and/or grease trap and present to the borough an inspection certificate as proof that said inspection was accomplished.
- D. Maintenance of grease traps. All grease traps shall be maintained and kept in good working order. The traps shall limit the amount of grease discharged into the public sewer system to levels not exceeding those permitted by the Allegheny County Sanitary Authority (ALCOSAN).

§ 92-9. Violations and penalties; authorization for ALCOSAN enforcement of ALCOSAN pretreatment regulations.

Any person violating any provision of this article shall, upon conviction, be punished by a fine not to exceed the sum of \$1,000 for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the Allegheny County Jail for a period not exceed 30 days. Each day a violation is continued shall constitute a separate offense. In addition, any person violating any provision of the ALCOSAN pretreatment regulations may be subject to administrative and civil penalties as provided for by the pretreatment regulations and administered by ALCOSAN. Such penalties may include but are not limited to injunctive relief and penalties of up to \$25,000 per day, per violation, as provided for by the Publicly Owned Treatment Works Penalty Law, 35 P.S. § 752.1 et seq.

Authority to so enforce the pretreatment regulations is granted to ALCOSAN and is in addition to but not in place of any other remedy available to the borough.

ARTICLE III

Prevention of Stormwater from Sanitary Sewers

[Adopted 6-20-1995 by Ord. No. 502, approved 6-20-1995]

§ 92-10. Legislative findings.

The Council of the Borough of Heidelberg finds as follows:

- A. The laws of Allegheny County and the Commonwealth of Pennsylvania prohibit the direction of stormwater into sanitary sewers.
- B. The borough has authority to adopt an ordinance to prohibit the direction of stormwater into the sanitary sewers of the borough pursuant to the Borough Code, 53 P.S. § 45101 et seq., and the Pennsylvania Clean Streams Law, 35 P.S. § 691.1 et seq.
- C. The Borough of Heidelberg desires to comply with the laws of Allegheny County and the Commonwealth of Pennsylvania and to meet the conditions of its sewerage permits by eliminating storm- and surface water from entering into the sanitary sewer systems of the borough.
- D. The Borough of Heidelberg desires to establish certain regulations prohibiting the direction of stormwater into sanitary sewer lines and to require, upon notice, that property owners connect stormwater drains and runoff into storm sewers where available.

§ 92-11. Notice to cease permitting surface and storm water into sanitary sewers.

All owners of property within the Borough of Heidelberg and all owners of property adjoining the borough who, by contract or otherwise, have their premises served by the sanitary sewer system of the borough are hereby directed, after 30 days' prior notice, to cease and desist from permitting surface and storm water from their buildings or premises to drain into or enter the sanitary sewer system of the borough.

§ 92-12. Construction of separate sewer for rain and surface water.

All owners of property on any streets, lanes or alleys under which now or hereafter the Borough of Heidelberg has or shall construct surface or storm water sewers at public expense, upon notice by the borough as hereinafter provided in § 92-13 of this article, shall promptly provide and construct, at their own expense, a separate sewer line to carry off from their buildings and premises all rain and surface water, by connecting said sewer for their premises with said surface or storm water sewer under any street, lane or alley upon which their properties abut or to provide a plan for such other method, to be approved by the Borough Engineer, which will prevent the drainage or such water from their premises from entering into the sanitary sewer system of the borough or onto any neighboring property.

§ 92-13. Notice to property owners to connect with surface water sewer.

Whenever, in the opinion of the Borough Council, it may be necessary or advisable to have all premises upon a public street or portion thereof containing a surface or storm water sewer to make connections, due notice to make and complete such connection within 30 days shall be served upon the owner of said premises, or if the owner is a nonresident and cannot be personally served, then said notice shall be served upon the owner by giving said written notice to occupants of such premises if the same shall contain buildings, and additional written notice shall also be sent to the owner by certified mail, or, if said premises are unimproved by buildings, said notice shall be served on the agent of the owner, and notice shall also be sent to the owner by certified mail.

§ 92-14. Duty of owners of property on streets without surface or storm water sewers.

The owners of all properties abutting on streets, lanes and alleys where no storm sewers have been installed by the Borough of Heidelberg shall, upon 30 days' notice, provide, at their own expense, for draining all surface and storm water from their premises to the public streets adjacent to their properties where catch basins connected with the borough storm sewers are available at the corners of such streets and where the storm drainage from their properties will drain to such catch basins and by providing such other methods to be approved by the Borough Engineer which will prevent the drainage of such water from their premises from entering into the sanitary sewer system of the borough.

§ 92-15. Authority of Borough Secretary to act as enforcement officer.

The Borough Secretary or such delegate as the Secretary may recommend to Borough Council is hereby appointed as the enforcement officer under this article, with full authority to give the notices required in this article and to approve the methods which shall be used by the property owners to comply with the provisions of this article.

§ 92-16. Service of notice.

The 30 days' notice required to be given hereunder shall be given by letter to the owners of the premises or served upon the owner, or if the owner is a nonresident, such notice shall be so given to the occupant of the premises or the owner's agent, and, in addition, a notice by certified mail shall be sent to the owner.

§ 92-17. Violations and penalties. [Amended 11-21-2000 by Ord. No. 539]

If any owner of any premises refuses or neglects to comply with the provisions of this article, he shall be guilty of a violation, and, for each and every such violation, upon conviction thereof, he shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed 30 days, provided that each day's violation shall constitute a separate violation.

ARTICLE IV
Sewer Rates and Charges
[Adopted 9-17-2002 by Ord. No. 548]

§ 92-18. Rates established. [Amended 12-15-2009 by Ord. No. 586, §2]

There are hereby imposed and established rates or charges for the use of, and services provided by, the sanitary sewer system in Heidelberg Borough, said rates or charges being based upon the quantity of water used. The following rates or charges shall be assessed to each user of the sanitary sewer system on a monthly basis:

- A. Borough Council, by resolution, annually shall establish and set a monthly rate or charge for sanitary sewer collection conveyance and treatment, along with a monthly service charge. The annual rate shall be set as a charge per 1,000 gallons of water used and a separate monthly customer service charge. **[Amended 12-15-2009 by Ord. No. 586, §2]**

§ 92-19. Billing schedule.

Charges for the sanitary sewer system service shall be billed monthly by the Pennsylvania American Water Company or its successor.

§ 92-20. Delinquent charges.

- A. In the event the charges for said sanitary sewer system service remain unpaid for a period of 30 days from the date of the statement, such charges are hereby declared to be delinquent and a penalty of 1 1/2% shall be added.
- B. Heidelberg Borough shall pursue or shall cause to be pursued the collections of delinquent sanitary sewer accounts by all means available pursuant to applicable law.

ARTICLE V
Discharge of Stormwater or Surface Drainage
[Adopted 2-18-2003 by Ord. No. 550]

§ 92-21. Legislative findings.

- A. The Pennsylvania Sewage Facilities Act, as amended, 35 P.S. § 750.1 et seq., as well as other county, state and federal regulations, require that the Borough of Heidelberg make, or cause to be made, such inspections and tests that may be necessary to carry out the provisions of such legislation to eliminate stormwater and surface water from entering into its sanitary sewer system; and
- B. The Borough of Heidelberg has determined that for the health, safety and welfare of the residents of the Borough of Heidelberg, it is necessary to implement a requirement of certification that there are no illegal stormwater or surface water connections to the sanitary sewers prior to the sale of real estate within the Borough through the issuance of Municipal Authority Lien Letters; and
- C. The Borough of Heidelberg is desirous of eliminating storm and surface water from entering into the sanitary sewer system; and

- D. The Borough of Heidelberg is desirous of establishing certain procedures for the issuance of municipal lien letters.

§ 92-22. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOROUGH — The Borough of Heidelberg.

DYE TEST — Any commonly accepted method of testing wherein dye is introduced into the storm or surface water collection system and down spouts of real property to determine if any illegal stormwater or surface water is entering the sanitary sewer system.

EVIDENCE OF COMPLIANCE — An official statement from the Borough stating that it has on file a written statement from a licensed plumber that there are no illegal storm or surface water connections into the sanitary sewer system which would violate Borough or county ordinances, state or federal statutes or Borough, county or state plumbing regulations.

ILLEGAL STORM OR SURFACE WATER CONNECTIONS — The discharge of storm or surface water by the connection of down spouts, roof drainage or surface drainage into the sanitary sewer system.

MUNICIPAL NO-LIEN LETTER — A written letter from the Borough concerning municipal liens.

PERSON — Any person, association, partnership, firm, corporation, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.

SANITARY SEWER SYSTEM — The sanitary sewer system within the Borough.

TEMPORARY DOCUMENTS OF CERTIFICATION — A temporary statement from the Borough issued pursuant to the terms of § 92-27C of this article.

§ 92-23. Prohibited discharges and connections.

- A. It shall be unlawful for any property owner or occupant whose premises or structure is connected to the sanitary sewer system owned and/or operated by the Borough to discharge or permit to be discharged any stormwater or surface water from the premises into the Borough's sanitary sewer system.
- B. It shall be unlawful for any property owner or occupant to maintain any connection of a roof drain, down spout, driveway drains, or other conveyance of stormwater or surface water to the Borough's sanitary sewer system.

§ 92-24. Inspection and testing.

- A. The Borough, through its officers, agents, representatives, and contractors, may conduct periodic dye tests, smoke tests or any other appropriate tests or inspection of all sewer systems, laterals, structures and premises tapped into the Borough's sanitary sewer system

for compliance with this article and any other regulations pertaining to the operation of the Borough's sanitary sewer system.

- B. Every owner or occupant of any structure or premises located in the Borough or adjoining or tapped into the Borough's sanitary sewer system shall submit to such periodic testing by the Borough or its designated testers. The Borough and its designated testers shall have the right to conduct as many tests as are necessary, in the opinion of the tester, to determine whether any illegal storm or surface water connections exist. The Borough shall also have the right to rely on the results of any internal televising of the sanitary sewer or connections thereto.
- C. Borough representatives and designated testers are hereby authorized to enter onto private property at such times and places as may be necessary to perform testing hereunder. Such Borough representatives and testers shall give property owners and occupants reasonable advance notice of such entry onto private property.
- D. Fees. The Borough may establish and impose upon the occupant or owner of any structure or premises which undergoes testing a fee reasonably calculated to reimburse the Borough for costs it incurs in connection with such testing, including the costs of establishing and administering such testing programs, the amount of such fee to be set by resolution of Borough Council.

§ 92-25. Certification of testing results; notice of violation.

- A. In the event that testing reveals that there are no illegal storm or surface water connections into the Borough's sanitary sewer system, the Borough shall issue to the property owner an evidence of compliance.
- B. When an illegal storm or surface water connection is discovered by means of the above-referenced testing or otherwise, a notice describing the said violation and the required remediation will be sent by the Borough to the owner of the structure or premises found to be in violation.
 - (1) Within 90 days of the issuance of such notice of violation, all necessary work to correct such illegal storm or surface water connection shall be commenced and completed by the owner or occupant of the premises, weather permitting.
 - (2) In the event that weather does not permit the remedial work to be commenced and completed within 90 days or in the event that the necessary remedial work would create severe economic hardship for the owner or occupant of the premises, application may be made to the Borough for one extension of time up to an additional four months to complete said remedial work.
 - (3) In the event the owner or occupant of the premises fails to complete the necessary remedial work within the time permitted, including any extension thereof, the Borough may undertake to have the necessary remedial work completed at the expense of the owner or occupant of the premises, and to make any necessary arrangements for the payment of said work by the owner or occupant of the premises, which arrangement shall be mutually satisfactory to the owner or

occupant. In the event satisfactory arrangement for payment are not agreed to by the Borough and the owner or occupant, the Borough may do any or all of the following:

- (a) File, pursuant to 53 P.S. § 7101 et seq., a lien against the property for the expense incurred by the Borough to perform the work plus 6.00% interest per annum plus a penalty of 5.00% of the amount due, plus attorneys' fees and costs incurred by the Borough, which lien shall remain in effect until payment in full or sale of the property occurs.
- (b) Pursuant to the Borough Code, commence prosecution against the property owner and/or occupant; and
- (c) Commence a civil action against the property owner and/or occupant to recover the amount due, plus interest, plus costs, plus Borough attorneys' fees as permitted by law.

§ 92-26. Standards for remedial work.

- A. When an illegal storm or surface water connection is required to be redirected from the Borough's sanitary sewer system, the property owner shall promptly provide and construct, at his or her own expense, a separate sewer line to carry such discharge from the premises to a storm sewer abutting the property or shall handle the discharge pursuant to such other method as may be approved by the Borough Engineer and which will prevent the drainage from entering onto any neighboring property without an easement from the neighboring property owner.
- B. Whenever remedial work is required pursuant to this article, such work shall not commence until approval has been obtained from the Borough Engineer. In order to secure approval from the Borough Engineer, the property owner or occupant shall submit a written plan to the Borough Engineer for review and shall provide such information as the Borough Engineer may require.
- C. Submission of a remedial plan to the Borough Engineer for review and approval shall be accompanied by a fee in the amount set by resolution of Council, which fee may be calculated to reimburse the Borough for the costs of the Engineer's review.
- D. In reviewing and approving the plans for remedial work, the Borough Engineer shall require such work to be designed and constructed in accordance with generally applicable engineering standards and criteria and any applicable federal, state and/or local regulations.

§ 92-27. Evidence of compliance prior to sale or conveyance of real property.

- A. Sale or conveyance without evidence of compliance prohibited. After the effective date of this article, it shall be unlawful for any person to sell or convey real property within the Borough on which a building or improvement exists without first delivering to the purchaser evidence of compliance or temporary evidence of compliance from the Borough. Moreover, the Borough shall no longer issue municipal no-lien letters prior to

the sale of conveyance of real property within the Borough without there, simultaneously or prior, being issued evidence of compliance or temporary evidence of compliance.

- B. Procedure for evidence of compliance. Any person (hereinafter "applicant") selling or conveying real property within the Borough shall make application for evidence of compliance on a form furnished by the Borough at least 14 days before the date of sale or conveyance with the appropriate fee as provided for by resolution of Borough Council. The applicant shall then have a plumber who is registered and licensed by the Allegheny County Health Department perform a dye test on the real property to be sold or conveyed. Should the Borough duly appoint a plumber to perform all dye tests within the Borough pursuant to this article, then that plumber shall be allowed by the applicant to conduct the dye test. The plumber shall complete the appropriate portions of the Borough form confirming that the property has been dye tested and certifying the results of such test. In the event that there are no illegal storm or surface water connections, the Borough or its designated representative shall issue evidence of compliance and requested municipal no-lien letters upon application and payment of a fee as provided by resolution of Council. If the dye test reveals the existence of an illegal storm or surface water connection, neither evidence of compliance or municipal no-lien letters will be issued until the illegal connections are removed and certification of such removal by a registered licensed plumber is received.
- C. Temporary evidence of compliance; security. Temporary evidence of compliance and municipal no-lien letters may be issued at the Borough's sole discretion when either:
- (1) The applicant proves that dye testing cannot be performed because of weather conditions. In this case, the applicant shall provide the Borough with security in the name of the Borough in an amount established by resolution of Borough Council, to guarantee that the dye test will be performed. The applicant will cause the dye test to be performed within 14 days of written notification from the Borough which will be given at such time as weather conditions make the dye test possible. In addition, the applicant shall provide the Borough with a signed, written acknowledgment from the purchaser agreeing to correct, at the purchaser's sole expense, any violations discovered as a result of a subsequent dye test. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse the purchaser for any costs incurred; provided, however, that primary liability for correction of any illegal connection shall run with the land, and no agreement between the applicant and the purchasers shall affect the Borough's enforcement powers or excuse the current owner from performance; or
 - (2) When an illegal storm or surface water connection is discovered and the necessary remedial activities to correct such connection would require a length of time such as to create an excessive hardship for the applicant, the applicant may forward a written request to the Borough for temporary evidence of compliance, provided the applicant provides the Borough with all of the following:
 - (a) A bona fide executed contract between the applicant and a registered licensed plumber to complete the necessary remedial work.

- (b) Cash security in the amount 110% of said contract, posted in the name of the Borough.
- (c) An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with the written authority to enter upon the property to complete the work in case of default by the contractor. The Borough shall determine by resolution when such temporary evidence of compliance shall expire, and the applicant and the purchaser shall be advised of the expiration of the temporary evidence of compliance. The security shall be forfeited and the Borough may use the security to have the necessary remedial work completed.

§ 92-28. Adjustment of fees.

The Council of the Borough of Heidelberg may change from time to time the fees set forth in this article by resolution.

§ 92-29. Conflict with other regulations.

Nothing in this article shall limit in any fashion the Borough's right to enforce its rules and regulations and other ordinances or the laws of the commonwealth. Nothing in this article shall be a defense to any citation issued by the Borough or the commonwealth pursuant to any other ordinance, regulation or law.

§ 92-30. Violations and penalties.

Any person who shall fail, neglect or refuse to comply with any terms or provisions of this article shall, upon conviction before any District Justice, be sentenced to pay a fine of \$500. Should the Borough seek to enforce this article by litigation in the Court of Common Pleas because of the refusal or failure of a property owner to correct and eliminate a discovered illegal storm or surface water connection, the property owner shall be responsible for all legal fees and court costs incurred by the Borough to enforce this article.

§ 92-31. Dye testing for other purposes.

This article shall not preclude the Borough from performing area dye testing/smoke testing programs or other inspections of the private systems for the purpose of locating defective piping which would allow surface or ground water to enter the system. The Borough will do so at its own expense.

